

01- R-1615

For vehicular damages alleged to have been sustained as a result of a vehicle stop on June 25, 2001 at Interstate 285 South at Benjamin E. Mays Drive.

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY Robson, Cof DCA

RECEIVED
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CITY COUNCIL OCT 15 2001

ADVERSE REPORT

COMM: PBGA

DATE: OCT 09 2001

CH-9 C.T. Moten

Delta Chapter
Worship



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

October 26, 2001

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Pamela Fitzgerald and
Delonza Fitzgerald
336 Weddington Road
Hiram, Georgia 30141

01-R-1615

Dear Pamela Fitzgerald:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 15, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0477

Date: 9/21/01

Claimant /Victim PAMELA FITZGERALD AND DELONZA FITZGERALD

BY: (Atty)(Ins.) _____

Address: 336 Weddington Road Hiram, Georgia 30141

Subrogation: _____ Claim for Property damage \$ 838.04 Bodily Injury \$ _____

Date of Notice: 9/9/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____

Date of Occurrence 6/25/01 Place: Interstate 285 South at Benjamin E. Mays Drive

Department Police Division: FOD

Employee involved: Officers C.K. Mathis and R.O. Hubbard Disciplinary Action: Non Sustained

NATURE OF CLAIM: The claimants allege that claimant driver sustained vehicular damages after he was stopped by City enforcement officers for exceeding the speed limit. In an investigation by the Office of Professional Standards the officers were not found in violation of City policies and/or procedures. Furthermore, the City is immune from liability as set forth under O.C.G.A. § 36-33-1 and § 36-33-3.

INVESTIGATION:

Statements: City employee X Claimant X Other X Written X Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver X

Citation disposition: City Driver _____ Claimant Driver Guilty

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

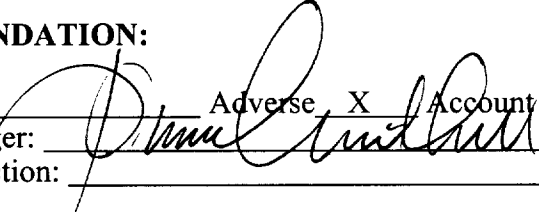
Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 09-25-01

Committee Action: _____ Council Action _____

RCS# 3186
10/15/01
3:51 PM

Atlanta City Council

Regular Session

MULTIPLE

01-R-1615

Unfavorable Claims; Items #6-#23,
#26 & #27
ADVERSE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

MULTIPLE